



APPENDIX.

1. Decree of Dissolution of Consolidated Indemnity and Insurance Company:

At a Special Term of the Supreme Court of the State of New York, Part I thereof, held in and for the County of New York, in the Borough of Manhattan, City, County and State of New York, First Judicial District, on the 29th day of May, 1934.

Present:

HON. ERNEST E. L. HAMMER, *Justice.*

*In the Matter
of the*

*Application of the People of the State of New York, by
George S. Van Schaick, as Superintendent of Insurance
of the State of New York, for an order to take possession
of the property and liquidate the business and
affairs of the
Consolidated Indemnity and Insurance Company.*

Upon reading and filing the order to show cause dated the 24th day of May, 1934, and duly granted by Mr. Justice J. F. Carew, one of the Justices of the Supreme Court of the State of New York, in the First Judicial District; the petition of George S. Van Schaick, Superintendent of Insurance of the State of New York, duly verified on the 24th day of May, 1934, and the exhibits thereto attached, (Ex-

hibits A, B and C); the affidavit of John E. Watson, duly sworn to on the 24th day of May, 1934; the affidavit of service of said order to show cause and of the papers upon which it was granted, duly sworn to by Charles S. Beller, on the 25th day of May, 1934; the affidavit of William P. Habel, duly sworn to on May 28th, 1934; and upon the order of rehabilitation dated the 10th day of May, 1934, heretofore granted against the Consolidated Indemnity and Insurance Company; and it appearing that all further efforts to rehabilitate the Consolidated Indemnity and Insurance Company; and the motion to liquidate having been duly brought before this Court by the order to show cause aforesaid; after hearing John J. Bennett, Jr., Attorney General of the State of New York (Joseph C. H. Flynn of Counsel) representing the Superintendent of Insurance of the State of New York in support of said motion and there being no opposition; after due deliberation, upon filing the opinion of the Court, it is hereby

ORDERED, that the petition of George S. Van Schaick, Superintendent of Insurance of the State of New York, be and the same hereby is in all respects granted; that the said Superintendent, or his successor in office, is hereby directed forthwith to take possession of the property and to liquidate the business of the Consolidated Indemnity and Insurance Company, pursuant to Article XI of the Insurance Law of the State of New York; that the said Superintendent is hereby vested with full title to all property of said company; and that he, or his successor, is hereby directed to deal with the property and business of the said company in his own name as Superintendent of Insurance; and it is further

ORDERED, that the said Consolidated Indemnity and Insurance Company is insolvent; and it is further

ORDERED, that the Superintendent of Insurance as Liquidator of the Consolidated Indemnity and Insurance Company promulgate the making and entry of this order by a liquidation notice:

- (1) demanding that persons indebted to said company pay their indebtedness to the Liquidator;
- (2) directing persons having property or records of the Consolidated Indemnity and Insurance Company to assign, transfer and deliver them to the Liquidator, and to submit all books or records relating to the Consolidated Indemnity and Insurance Company to the Liquidator or to his agents for examination and copying at all reasonable times;
- (3) instructing persons who have claims against the Consolidated Indemnity and Insurance Company to present same by sworn proofs of claims to the Superintendent of Insurance as Liquidator or to his special Deputy at a place specified in said Liquidation notice within six (6) months from the date of entry of this order and not later than December 1st, 1934; and it is further

ORDERED, that such liquidation notice be published in the New York Law Journal commencing on the 8th day of June, 1934, and thereafter twice a week for three successive weeks, and by mailing within sixty (60) days after the entry of this order a copy of such notice addressed to the known persons who have claims against the Consolidated Indemnity and Insurance Company at such addresses

as may be disclosed by the available home office records of the company, but that the Liquidator shall not be required to mail such notice to those who may have a claim arising under bonds, policies or other obligations of the Consolidated Indemnity and Insurance Company which were marked closed on the books and records of said company on the date of the entry of the order of liquidation herein, nor shall the Liquidator be required to send notice by mail to employees insured under fidelity bonds where the employer pays the premium and such employees have no interest in or claim thereon; and it is further

ORDERED, that such liquidation notice contains the mandate of this Court and is sufficient notice to all persons interested in the Consolidated Indemnity and Insurance Company and that claims presented may be determined and assets distributed without further notice to persons failing to comply with said liquidation notice; and it is further

ORDERED, that all persons are hereby enjoined and restrained from

- (1) transacting any business of the Consolidated Indemnity and Insurance Company;
- (2) dealing with the property or records of said company;
- (3) obtaining or allowing the obtaining of, preferences, judgments, forfeitures, penalties, fines, attachments or other liens or levies against the estate of said company under the control of the Liquidator;
- (4) bringing or further prosecuting any action, suit, special or other proceeding against the said company or its estate or against the Liquidator thereof;

- (5) interfering in any way with the Liquidator in his title, possession, or management of the property of said company; and it is further

ORDERED, that in order to give additional notice to any persons who may have claims against the said Consolidated Indemnity and Insurance Company arising out of the active obligations, but whose names are unknown or whose addresses are so defective that letters transmitted by mail would probably not reach them, and in lieu of mailing notice to those interested in the bonds, policies or other obligations of the Consolidated Indemnity and Insurance Company which were marked closed on the books and records of the said company on the date of the entry of the order of liquidation, further notice be given by publication in the following cities where the Consolidated Indemnity and Insurance Company had branch offices or important agencies by publication of such notice in one newspaper in each of said cities once a week for three successive weeks beginning the 15th day of June, 1934, such newspapers to be selected by the Superintendent of Insurance in his discretion:

Washington, D. C.
Chicago, Ill.
Baltimore, Md.
St. Paul, Minn.
Kansas City, Mo.
Bayonne, N. J.
Jersey City, N. J.
Newark, N. J.
Trenton, N. J.

Albany, N. Y.
Buffalo, N. Y.
Rochester, N. Y.
Syracuse, N. Y.
Cleveland, Ohio
Columbus, Ohio
Philadelphia, Pa.
Pittsburgh, Pa.
Norfolk, Va.

Richmond, Va.

and it is further

ORDERED, that the corporate charter of the Consolidated Indemnity and Insurance Company is hereby annulled and the said corporation dissolved.

Enter,

E. E. L. H.,
J. S. C.

2. Order Appointing Ancillary Receivers.

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

<i>Bethel Perkins</i>	}	IN EQUITY.
v.		March Term, 1934.
<i>Consolidated Indemnity & Insurance Company, a corporation of the State of New York.</i>		No. 8167.

AND NOW, to wit, this 11th day of May, A. D., 1934, the said matter having come on for hearing, and it appearing that on the 8th day of May, 1934, Albert H. Lieberman and Emil Cohn, Jr., were, by order of this Court, appointed Temporary Receivers of the aforesaid defendant company, and it further appearing, since the filing of the said Bill in this Court that by order of the Supreme Court of the State of New York, acting by Mr. Justice Alfred Frankenthaler, the said defendant insurance company and its assets, business and property have been taken over by the Superintendent of Insurance of the State of New York as statutory liquidator under and by virtue of the laws of the State of New York, on motion of David Rosen, Esq., leave is hereby

granted to amend the original Bill filed in this cause so that the relief prayed for therein is for the appointment of Ancillary Receivers in this jurisdiction, and it is

ORDERED AND DECREED that Albert H. Lieberman, Emil Cohn, Jr., and George F. McCann, be and they are hereby appointed Ancillary Receivers of all assets of every description belonging to Consolidated Indemnity & Insurance Company, a corporation located within this jurisdiction, to hold and preserve all of said assets, real, personal and mixed, of whatsoever kind and description, including any cash on hand and belonging to the said Consolidated Indemnity & Insurance Company; and it is

FURTHER ORDERED AND DECREED that the said Ancillary Receivers be and they are hereby authorized and empowered **to take into their possession all of the property, assets, effects and businesses of the said defendant, which they may find in this District**, including any and all assets and businesses carried on, in, by or through the said Consolidated Indemnity & Insurance Company, and its subordinate and affiliated companies, and to continue the carrying on and conduct of this business until the further order of this Court, keeping full and faithful order and account of all of the properties coming into their hands, as well as all moneys received and disbursed, and such Ancillary Receivers are hereby further empowered and authorized to employ such agents, servants and employes as in their judgment they shall deem necessary in the conduct of said business, and to operate said business and properties; and it is

FURTHER ORDERED that the said defendants, agents, servants and employes forthwith deliver to said Ancillary

Receivers all of its properties, assets and effects now in its possession or under its control, including any and all assets or businesses held by or in the name of the said Consolidated Indemnity & Insurance Company, whether by it or its subordinate or affiliate companies or agencies, and that the said Consolidated Indemnity & Insurance Company, its officers, directors, agents, servants, employes and all other persons, firms, corporations and creditors, as well as their attorneys, agents, servants and employes and all sheriffs, marshals, constables, deputies and other officers and their employes be and they are hereby enjoined jointly and severally and restrained from interfering with the possession of said Ancillary Receivers, and from removing, transferring or otherwise interfering with the property, assets and effects of the above named defendant, including the property, assets and effects held by, through or in the name of the said defendant, and be and they are hereby enjoined from interfering with the possession of said Ancillary Receivers and all other persons holding in their possession or under their control property, real estate personal or mixed belonging to the defendant, whether held by it or by or through or in the name of its agents, or any other company shall forthwith deliver possession to said Ancillary Receivers; **and said creditors and each of their attorneys, agents and employes are hereby jointly and severally restrained and enjoined from prosecuting, executing or suing out of any court any process, attachment, replevin or other writ for the purpose of taking possession, impounding or interfering with any assets or effects of the above named defendant and from molesting or interfering with the Ancillary Receivers herein appointed in the discharge of their duties.**

Security to be entered by the said Ancillary Receivers in the sum of \$10,000.

All funds to be deposited in a designated depository.

By THE COURT:

/s/ WELSH, J.

3. Pennsylvania Act of July 1, 1937, P. L. 2547, 53 Purdon's Statutes, Sec. 2774:

Section 1. Be it enacted, &c., That hereafter any person, copartnership, association or corporation claiming damages from any county, city, borough, town, township, school district or other municipality, arising from the negligence of such municipality or any employe thereof, shall, within six (6) months from the date of origin of such claim or within six (6) months from the date of the negligence complained of, file in the office of the clerk or secretary of such municipality a notice in writing of such claim, stating briefly the facts upon which the claim is based. Such notice shall be signed by the person or persons claiming damages or their representatives. No cause of action may be validly entered of record where there was a failure to file such notice within the time required by this act, except leave of court to enter such action upon a showing of a reasonable excuse for such failure to file said notice shall first have been secured.

Section 2. This act shall become effective immediately upon its final enactment.

Section 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.